

Environmental Clearance Application

Initial Study

Markovits &
Fox, Inc.

**Mixed Industrial
Overlay GPA**

GP03-04-05

Application by

Markovits & Fox, Inc.

September 9, 2003

Mindigo & Associates

Environmental Consultants

1984 The Alameda ■ San Jose, California 95126 ■ (408) 554-6531

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City of San Jose

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San Jose, CA 95110
(408) 277-4576

ENVIRONMENTAL CLEARANCE APPLICATION

TO BE COMPLETED BY PLANNING DIVISION STAFF		
FILE NUMBER:		RECEIPT #: _____
ND GRANTED:	EIR REQUIRED:	DATE: _____
PROJECT MANAGER:	ENVIRONMENTAL COORDINATOR:	AMOUNT: _____
		BY: _____
NOTES:		

I. PROJECT DESCRIPTION

A. GENERAL INFORMATION

Applicant:	Markovits & Fox, Inc. 14125 Capri Drive No. 4 Los Gatos, CA 95032 408-364-2265, (fax) 408-364-0765 Attn: Marvin Fox
Property Owner:	Markovits & Fox, Inc. 14125 Capri Drive No. 4 Los Gatos, CA 95032 408-364-2265, (fax) 408-364-0765
Environmental Consultant:	Mindigo & Associates 1984 The Alameda San Jose, CA 95126 408-554-6531, Fax 408-554-6577
Name of Project:	Markovits & Fox, Inc. Mixed Industrial Overlay GPA
Location of Project:	West side of Old Oakland Road, between Brokaw Road and Coyote Creek/Schallenger Road
Brief Description of Project:	A General Plan Amendment request from Industrial Park to Industrial Park with Mixed Industrial Overlay
Assessor's Parcel Number(s):	237-03-070

- ___ INSERT SANTA CLARA VALLEY MAP (Figure ___)
- ___ INSERT USGS MAP (Figure ___)
- ___ INSERT VICINITY MAP (Figure ___)
- ___ INSERT ASSESSOR'S PARCELS MAP (Figure ___)
- ___ INSERT AERIAL PHOTO OF THE VICINITY (Figure ___)
- ___ INSERT AERIAL PHOTO OF THE SITE (Figure ___)
- ___ INSERT VIEW OF THE SITE (Figure ___)
- ___ INSERT VIEW OF THE SITE (Figure ___)

B. PROJECT OBJECTIVE

The objective of this project is to amend the San Jose 2020 General Plan Land Use/Transportation Diagram to an updated use that is more compatible with the surrounding area.

C. DESCRIPTION

General Plan Amendment

The project is a General Plan Amendment application for an Industrial Park with Mixed Industrial Overlay land use designation on approximately 15.5 acres located on the west side of Old Oakland Road, between Brokaw Road and Coyote Creek/Schallenberger Road. The site is currently designated on the San Jose 2020 General Plan as Industrial Park.

Mixed Industrial Overlay is defined in the San Jose 2020 General Plan as follows:

Mixed Industrial Overlay

"In order to preserve a supply of land devoted exclusively for industrial uses and maintain its attractiveness, the Land Use/Transportation Diagram designates non-exclusive industrial areas with a Mixed Industrial Overlay. Areas designated with the Mixed Industrial Overlay may be appropriate for a mixture of primarily industrial with compatible commercial or public/quasi-public uses, or may be developed entirely with industrial uses in accordance with the base designation. Areas with this overlay designation contain or are surrounded by an existing mix of uses, so that additional non-industrial uses would not compromise the integrity of areas reserved exclusively for industrial uses. Examples of non-industrial uses include, but are not limited to, primary or secondary schools, hotels and motels, nightclubs, churches, free standing daycare centers, big box retailers, large gymnasiums, sports or arts instruction facilities, and hospitals.

The proximity of areas established exclusively for industrial uses should be considered in the application of this overlay to minimize any restrictions on the operations of tenants in the exclusively industrial areas. New uses within the Overlay area should be considered secondary when land use compatibility issues occur between existing or planned users of hazardous materials and sensitive receptors."

Physical Characteristics

There is no specific development plan under consideration at this time; therefore, the precise physical characteristics of the future development are not known. However, a general description of the implementation of the proposed land uses would include the construction of vehicular and parking areas, industrial park buildings and utilities. Grading would be required for the construction of the roadways and building pads; and trenching would be required for underground utilities. Access to the site is available from Old Oakland Road.

Utilities

All utilities required to serve future development, including sanitary sewer, wastewater treatment, water supply, storm drainage, natural gas, electricity and telephone, as further described in the following Utilities and Service Systems section, would be provided with future development. All of the utilities within future development would be underground.

Demolition

There are no existing structures on the proposed amendment site to be demolished. A Special Use Permit was issued for the demolition of all the existing structures on the site and they were removed in December, 2001.

Hazardous Materials

Hazardous materials may be used as a part of the operation of the future establishments on the proposed amendment site, as further discussed in the following Hazards and Hazardous Materials section.

Tree Removal

There are no existing trees onsite, as further discussed in the following Biological Resources section.

Other Related Permits

In addition to the proposed General Plan Amendment, other related permits to be obtained from the City of San Jose and/or any other public agency approvals required for this project by other local, State or Federal agencies are as follows:

Agency	Permit/Approval
City of San Jose	Conditional Use Permit, if required Grading Permit, Building Permits Hazardous Materials Storage Permit, if required Local Enforcement Agency (LEA) Program Permit
Bay Area Air Quality Management District	Authority to Construct Permit, if required Permit to Operate, if required

Community Meeting

A community meeting to discuss the proposed project with neighbors has not been held; however, a community meeting will be held in conjunction with the General Plan Amendment process. All of the surrounding neighbors are industrial park and commercial uses.

II. ENVIRONMENTAL SETTING, IMPACT CHECKLIST AND MITIGATION

1. AESTHETICS

SETTING

The current view of the project site consists of a vacant asphalt and concrete paved site with a few foundation and loading dock remnants from the former scrap metal business that operated on the property, which can be seen in the preceding photographs, Figures 7 and 8. Heavy vegetation along Coyote Creek is located south of the southerly boundary. Directly across Old Oakland Road is the San Jose Municipal Golf Course.

Scenic Route

The proposed amendment site is not located adjacent to a designated scenic route.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on aesthetics if it would:

- Have a substantial adverse effect on a scenic vista.
- Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway.
- Substantially degrade the existing visual character or quality of the site and its surroundings.
- Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.
- Increase the amount of shade in public and private open space on adjacent sites.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS. Would the project:					
a. Have a substantial adverse effect on a scenic vista?				X	25,27
b. Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings and historic buildings within a state scenic highway?				X	25,27,29
c. Substantially degrade the existing visual character or quality of the site and its surroundings?		X			25,27
d. Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?				X	25,28

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
1. AESTHETICS (Cont.). Would the project:					
e. Increase the amount of shade in public and private open space on adjacent sites?				X	25,28

Impact Summary

Future development of the proposed amendment site could result in visual impacts.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

- Urban Design Policy No. 1
- The City should continue to apply strong architectural and site design controls on all types of development for the protection and development of neighborhood character and for the proper transition between areas with different types of land uses.
- Urban Design Policy No. 22
- Design guidelines adopted by the City Council should be followed in the design of development projects.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on page 21 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Urban Design policies would reduce the visual impacts to a **less-than-significant impact with mitigation**.

2. AGRICULTURE RESOURCES

SETTING

Important Farmlands

The *Santa Clara County Important Farmland Map*, prepared by the California Department of Conservation and the USDA Soil Conservation Service, classifies land in seven categories in order of significance: 1) prime farmland, 2) farmland of Statewide importance, 3) unique farmland, 4) farmland of local importance, 5) grazing land, 6) urban and built-up land and 7) other land. The proposed amendment site is classified as "urban and built-up land," which is defined as land occupied by structures with a building density of at least one unit to one and one-half acres.

Williamson Act

The California Land Conservation Act ("Williamson Act") was enacted to help preserve agricultural and open space lands via a contract between the property owner and the local jurisdiction. Under the contract, the owner of the land agrees not to develop the land in exchange for reduced property taxes. The proposed amendment site is not under a Williamson Act contract.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on agriculture resources if it would:

- Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.
- Conflict with existing zoning for agricultural use, or a Williamson Act contract.
- Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES. Would the project:					
a. Convert Prime Farmland, Unique Farmland or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X	30,31
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?				X	32,57

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
2. AGRICULTURE RESOURCES (Cont.). Would the project:					
c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X	25,28

Impact Summary

The project would have no impact on agriculture resources because the proposed amendment site is not classified as farmland.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on agriculture resources would be a **less-than-significant impact**.

3. AIR QUALITY

SETTING

Bay Area Air Quality Management District

The proposed amendment site is located in the Bay Area Air Quality Management District (BAAQMD). The District includes seven Bay Area counties and portions of two others. Air quality emission and control standards are established by the BAAQMD and the California Air Resources Board, and by the Environmental Protection Agency (EPA) at the Federal level. These agencies are responsible for developing and enforcing regulations involving industrial and vehicular pollutant emissions, including transportation management and control mitigation measures.

Regional Climate

The air quality of a given area is not only dependent upon the amount of air pollutants emitted locally or within the air basin, but also is directly related to the weather patterns of the region. The wind speed and direction, the temperature profile of the atmosphere, and the amount of humidity and sunlight determine the fate of the emitted pollutants each day, and determine the resulting concentrations of air pollutants defining the “air quality.”

The Bay Area climate is Mediterranean, with mild, rainy winters November through March, and warm, sunny and nearly dry summers June through September. Summer temperature inversions trap ground level pollutants. Winter conditions are less conducive to smog, but thin evening inversions sometimes concentrate carbon monoxide emissions at ground level.

Air Quality Standards

The U.S. Environmental Protection Agency (U.S. EPA) and the California Air Resources Board have both established ambient air quality standards for common pollutants to avoid adverse health effects from each pollutant. The pollutants, which include ozone, carbon monoxide (CO), nitrogen dioxide, sulfur dioxide and particulate matter (PM₁₀ and PM_{2.5}), and their standards are included in the following Local Air Quality table.

Regional Air Quality

The Federal Clean Air Act and the California Clean Air Act of 1988 require that the State Air Resources Board, based on air quality monitoring data, designate portions of the state where the federal or state ambient air quality standards are not met as “nonattainment areas”. In June of 1998, the U.S. EPA reclassified the Bay Area from “maintenance area” to nonattainment for ozone based on violations of the federal standards at several locations in the air basin. This reversed the air basin’s reclassification to “maintenance area” for ozone in 1995. Reclassification required an update to the region’s federal air quality plan.

Under the California Clear Air Act, Santa Clara County is a nonattainment area for ozone and particulate matter (PM₁₀). The county is either attainment or unclassified for the other pollutants. The California Clean Air Act requires local air pollution control districts to prepare air quality attainment plans; these plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of “all feasible measures on an expeditious schedule”.

Local Air Quality

Air quality in the proposed amendment area is subject to the problems experienced by most of the Bay Area. Emissions from millions of vehicle-miles of travel each day often are not mixed and diluted, but are trapped near ground level by an atmospheric temperature inversion. Prevailing air currents generally sweep from the mouth of the Bay toward the south, picking up and concentrating pollutants along the way. A combination of pollutants emitted locally, the transport of pollutants from other areas, and the natural mountain barriers (the Diablo Range to the east and the Santa Cruz Range to the southwest) produce high concentrations. Air quality data from the last three years at the nearest BAAQMD monitoring station in San Jose, and Federal and State standards, are shown in the following table.

Table 1. Local Air Quality

Pollutant	Standard	Days Exceeding Standard		
		2000	2001	2002
OZONE				
State 1-hour	0.09 ppm	0	2	na*
Federal 1-hour	0.12 ppm	0	0	na*
Federal 8-hour	0.08 ppm	0	0	na*
CARBON MONOXIDE				
State/Federal 8-hour	9.0 ppm	0	0	0
NITROGEN DIOXIDE				
State 1-hour	0.25 ppm	0	0	0
PARTICULATE MATTER (PM ₁₀)				
State 24-hour	50 µg/m ³	7	4	2
Federal 24-hour	150 µg/m ³	0	0	0
PARTICULATE MATTER (PM _{2.5})				
Federal 24-hour	65 µg/m ³	na**	na**	0

ppm = parts per million

ug/m³ = micrograms per cubic meter

SOURCE: Bay Area Air Quality Management District monitoring data for San Jose.

* The San Jose 4th Street monitoring station was closed for relocation on April 30, 2002, and reopened as San Jose Central on October 5, 2002. Ozone statistics for 2002 are not available.

** 2002 is the first year reporting PM_{2.5} statistics.

Proposed Amendment Site

The proposed amendment site is similar to other locations in the South Bay; air quality meets adopted State and/or Federal standards (the more stringent standard applies) on most days, and during periods when regional atmospheric conditions are stagnated, the air quality is poor throughout the extended South Bay area. There are no existing sources on the proposed amendment site that currently adversely affect local air quality.

Sensitive Receptors

Sensitive receptors are facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, child care centers, retirement homes, convalescent homes, hospitals and medical clinics. There are no sensitive receptors located adjacent to the proposed amendment site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on air quality if it would:

- Conflict with or obstruct implementation of the applicable air quality plan.
- Violate any air quality standard or contribute substantially to an existing or projected air quality violation.
- Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors).
- Expose sensitive receptors to substantial pollutant concentrations.
- Create objectionable odors affecting a substantial number of people.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY. Would the project:					
a. Conflict with or obstruct implementation of the applicable air quality plan?				X	29,34
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?		X			34

c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?				X	34
ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
3. AIR QUALITY (Cont.). Would the project:					
d. Expose sensitive receptors to substantial pollutant concentrations?				X	28,34
e. Create objectionable odors affecting a substantial number of people?				X	28

Impact Summary

Potential future industrial emissions and particulate impacts from temporary construction dust would be significant air quality impacts.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Air Quality Policy No. 1

- The City should take into consideration the cumulative air quality impacts from proposed developments and should establish and enforce appropriate land uses and regulations to reduce air pollution consistent with the region's Clean Air Plan and State law.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on pages 27-28 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Air Quality policies would reduce potential industrial air quality impacts and the temporary air quality impacts of construction to a **less-than-significant impact with mitigation**.

4. BIOLOGICAL RESOURCES

SETTING

Vegetation

The proposed amendment site is covered with vacant asphalt and concrete paved areas. There are no designated Heritage Trees on the site, and no rare or endangered plant species are known to inhabit the site.

Trees

There are no trees on the proposed amendment site. A row of Monterey pine trees is located along the public right-of-way on Old Oakland Road, and there are trees along Coyote Creek to the south.

Riparian Corridor Habitat

Riparian corridor habitat, i.e., vegetation occurring along the banks of a waterway, is located on or within 300 feet of the proposed amendment site, as Coyote Creek is located along the southerly boundary.

A riparian corridor survey has been conducted.

Wildlife

The proposed amendment site contains developed habitat. Wildlife typically associated with this habitat type include birds, reptiles, and small mammals. No rare or endangered animal species are known to inhabit the site. The site does not contain any known important wildlife breeding, nesting or feeding areas.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on biological resources if it would:

- Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means.
- Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.

- Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.
- Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
4. BIOLOGICAL RESOURCES. Would the project:					
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species in local or regional plans, policies or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?				X	25,59
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies or regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?		X			25,70,80
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act including, but not limited to, marsh, vernal pool, coastal, etc., through direct removal, filling, hydrological interruption or other means?				X	25,27
d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?		X			25,80
e. Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?		X			25,29,37
f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?				X	25,29

Impact Summary

Future development of the proposed amendment site could result in impacts to trees along the site frontage and to the riparian corridor along Coyote Creek to the south.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Riparian Corridors and Upland Wetlands Policy No. 1

- Creeks and natural riparian corridors and upland wetlands should be preserved whenever possible.

Riparian Corridors and Upland Wetlands Policy No. 2

- New public and private development adjacent to riparian corridors should be consistent with the provisions of the Riparian Corridor Policy Study.

Riparian Corridors and Upland Wetlands Policy No. 3

- New development within the Urban Service Area should be set back from the outside edge of riparian habitat (or top of bank, whichever is greater) a distance sufficient to buffer the impacts of adjacent human activities and provide avenues for wildlife dispersal.

Riparian Corridors and Upland Wetlands Policy No. 4

- New development should be designed to protect adjacent riparian corridors from encroachment of lighting, exotic landscaping, noise and toxic substances into the riparian zone.

Riparian Corridors and Upland Wetlands Policy No. 6

- The City encourages appropriate native plant restoration projects along riparian corridors, upland wetlands, and in adjacent upland areas.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on page 40 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Riparian Corridors and Upland Wetlands policies would reduce the impacts on biological resources to a **less-than-significant impact with mitigation**.

5. CULTURAL RESOURCES

SETTING

Prehistoric Resources

The proposed amendment site is within a potential archaeological resource zone as outlined on the maps on file at the City of San Jose Department of Planning, Building and Code Enforcement. There are no known cultural sites on the amendment site, nor does the site have any natural features of significant scenic value or with rare or unique characteristics.

An archaeological reconnaissance and field monitoring have been conducted.

Historic Resources

There are no existing structures located on the proposed amendment site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on cultural resources if it would:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5.
- Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
5. CULTURAL RESOURCES. Would the project:					
a. Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines §15064.5?				X	25, 39,40,80
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines §15064.5?		X			27,38,80
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X	27,59
d. Disturb any human remains, including those interred outside of formal cemeteries?		X			27,80

Impact Summary

Future development may cause disturbances due to grading and trenching operations, which may result in significant impacts to subsurface prehistoric cultural resources on the site.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Historic, Archaeological and Cultural Resources Policy No. 1

- Because historically or archaeologically significant sites, structures and districts are irreplaceable resources, their preservation should be a key consideration in the development review process.

Historic, Archaeological and Cultural Resources Policy No. 8

- For proposed development sites which have been identified as archaeologically sensitive, the City should require investigation during the planning process in order to determine whether valuable archaeological remains may be affected by the project and should also require that appropriate mitigation measures be incorporated into the project design.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on page 43 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Historic, Archaeological and Cultural Resources policies would reduce the impacts on cultural resources to a **less-than-significant impact with mitigation**.

6. GEOLOGY AND SOILS

SETTING

Topography

The proposed amendment site has a uniform northwesterly slope of approximately 0.5 percent. Elevations on the site range from approximately 60 feet at the southeasterly corner to approximately 57 feet at the northwesterly boundary. There are no significant topographical features on the site.

Geology

The proposed amendment site is underlain by Quaternary alluvium (Qal), which consists of unconsolidated to weakly consolidated silt, sand and gravel. Quaternary alluvium includes Holocene and late Pleistocene alluvium and minor amounts of beach and dune sand and marine terrace deposits.

Geologic Hazard Zone

The proposed amendment site is not located in a geologic hazard zone as mapped by the City of San Jose in accordance with the Geologic Hazards Ordinance.

Soils

The proposed amendment site is underlain by the alluvial soils of the Yolo association as classified by the United States Department of Agriculture, Soil Conservation Service. Mocho loam (Mg) is the specific soil type identified at the site. Mocho loam is characterized by a brown, granular, loose, medium acid surface layer approximately 3 to 4 inches thick; moderately good drainage, moderate subsoil permeability; very slow runoff; no erosion hazard; high inherent fertility (Class I); and a moderate shrink/swell capacity.

According to Cooper-Clark and Associates' *San Jose Geotechnical Investigation*, the site is mapped as having a moderately high to high liquefaction potential, no landslide susceptibility, weak soil layers and lenses occurring at random locations and depths, moderately expansive soils and no erosion potential. These soils conditions are not considered to warrant further geologic study at the environmental review stage.

Faulting

There are no identified earthquake faults mapped on the site. The nearest active fault zones are the Hayward and Calaveras Faults, which are mapped approximately 5.7 and 7.0 miles respectively to the northeast, and the San Andreas Fault, which is mapped approximately 21.5 miles to the southwest.

A geotechnical investigation has been conducted.

SIGNIFICANCE CRITERIA

The proposed project would have a significant geology and soils impact if it would:

- Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:
 - 1) Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.).
 - 2) Strong seismic ground shaking.
 - 3) Seismic-related ground failure, including liquefaction.
 - 4) Landslides.
- Result in substantial soil erosion or the loss of topsoil.
- Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.
- Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property.
- Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS. Would the project:					
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:					
i. Rupture of a known earthquake fault, as described on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)				X	42,43, 46,47,80
ii. Strong seismic ground shaking?		X			27,45,80
iii. Seismic-related ground failure, including liquefaction?		X			45,80
iv. Landslides?				X	27,43,45
b. Result in substantial soil erosion or the loss of topsoil?		X			27, 44,45,80
c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?		X			45,80

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
6. GEOLOGY AND SOILS (Cont.). Would the project:					
d. Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X	44,45,80
e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater?				X	28

Impact Summary

Ground shaking at this site could be caused by moderate to major activity on the active Bay Area faults, which could endanger structures and occupants. Liquefaction and lateral spreading are potential secondary seismic hazards at the site. Development of the site may subject the soils to accelerated erosion.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

- Soil and Geologic Conditions Policy No. 1
 - The City should require soils and geologic review of development proposals to assess such hazards as potential seismic hazards, surface ruptures, liquefaction, landsliding, mudsliding, erosion and sedimentation in order to determine if these hazards can be adequately mitigated.
- Soil and Geologic Conditions Policy No. 6
 - Development in areas subject to soils and geologic hazards should incorporate adequate mitigation measures.
- Earthquakes Policy No. 1
 - The City should require that all new buildings be designed and constructed to resist stresses produced by earthquakes.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on pages 48-49 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Soil and Geologic Conditions and Earthquakes policies would reduce the geology and soils impacts to a **less-than-significant impact with mitigation**.

7. HAZARDS AND HAZARDOUS MATERIALS

SETTING

Wells

There are existing water and monitoring wells located on the proposed amendment site.

Pesticides

There are no known pesticides currently used on the site for either agricultural production or landscape maintenance operation.

Hazardous Materials

There are no known hazardous materials currently being used as a part of a present business operating on the site.

Service Station

The proposed amendment site has never been occupied by a gas station and/or auto repair facility.

Underground Storage Tank

The proposed amendment site has had underground storage of chemicals and/or has used underground tanks for the storage of the following substances: diesel, hydraulic fluid and clarifier fluid. The proposed amendment site is not listed on any local, State and/or Federal regulatory database due to hazardous materials contamination (i.e., leaking underground storage tanks database, etc.).

Soil/Groundwater Testing / Remediation

Soils/groundwater tests have been performed on the proposed amendment site in relation to potential hazardous materials contamination. The remediation of hazardous materials has been performed on the site.

Hazardous materials assessments have been conducted.

SIGNIFICANCE CRITERIA

The proposed project would have a significant hazards and hazardous materials impact if it would:

- Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials.
- Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.
- Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school.

- Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area.
- For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area.
- Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan.
- Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:					
a. Create a significant hazard to the public or the environment through the routine transport, use or disposal of hazardous materials?		X			27,28,80
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?		X			28,80
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?				X	27,28
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X	52
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X	27,61
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X	27,61
g. Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?				X	27

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
7. HAZARDS AND HAZARDOUS MATERIALS (Cont.). Would the project:					
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X	25, 27,72,73

Impact Summary

Water and monitoring wells are located on the proposed amendment site. PCBs, lead, arsenic and DDT have been identified as chemicals of concern in soils beneath the site. Methane has been detected in soil vapor samples beneath the consolidation cell (refuse pit) area. As the consolidation cell on the site was historically utilized to dispose of solid waste, it is subject to regulation by the City of San Jose Local Enforcement Agency (LEA) in its capacity as lead permitting and enforcement agency for the California Integrated Waste Management Board. Future industrial uses could involve the use, handling or storage of hazardous materials.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Hazards Policy No. 1

- Development should only be permitted in those areas where potential danger to the health, safety, and welfare of the residents of the community can be mitigated to an acceptable level.

Hazardous Materials Policy No. 1

- The City should require proper storage and disposal of hazardous materials to prevent leakage, potential explosions, fires, or the escape of harmful gases, and to prevent individually innocuous materials from combining to form hazardous substances, especially at the time of disposal.

Hazardous Materials Policy No. 3

- The City should incorporate soil and groundwater contamination analysis within the environmental review process for development proposals. When contamination is present on a site, the City should report this information to the appropriate agencies that regulate the cleanup of toxic contamination.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on pages 66 and 68-69 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Hazards and Hazardous Materials policies would reduce the hazards and hazardous materials impacts to a **less-than-significant impact with mitigation**.

8. HYDROLOGY AND WATER QUALITY

SETTING

Waterways

Coyote Creek is located along the southerly boundary of the proposed amendment site.

Flooding

The proposed amendment site is not within an area of historic flooding, and according to the Federal Emergency Management Agency's (FEMA) *Flood Insurance Rate Maps*, the site is not within Zone A, the area of 100-year flood. The Santa Clara Valley Water District's (SCVWD) *Maps of Flood Control Facilities and Limits of 1% Flooding* also show the proposed amendment site does not lie within a flood zone.

Water Quality

Stormwater runoff from the proposed amendment site drains northwesterly to Coyote Creek and to the San Francisco Bay.

Nonpoint Sources

The Clean Water Act states that the discharge of pollutants in stormwater to Waters of the United States from any point source is unlawful, unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. The U.S. Environmental Protection Agency requires under the Clean Water Act that any stormwater discharge from construction sites larger than five acres be in compliance with the NPDES. The State Regional Water Quality Control Board (RWQCB), which is responsible for implementing and enforcing the program, issued a statewide General Permit for construction activities. Provisions of the current Permit require that the following issues be addressed with respect to water quality regardless of the size of the site: 1) erosion and sedimentation during clearing, grading or excavation of a site; and 2) the discharge of stormwater once construction is completed. Coverage under this Permit would be obtained by submitting a Notice of Intent to the RWQCB that identifies the responsible party, location and scope of operation; and by developing and implementing a Storm Water Pollution Prevention Plan (SWPPP) as well as monitoring the effectiveness of the plan.

The Santa Clara Valley Nonpoint Source Control Program was developed to control nonpoint sources of pollution from entering water sources and deteriorating water quality. A number of control measures, including those related to development activities, industrial and construction inspections, public agency activities and public outreach efforts, are also currently being developed and implemented. The development, implementation and enforcement of control measures to reduce pollutant discharges from areas of new development is the responsibility of the Nonpoint Source Control Program in cooperation with the RWQCB.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on hydrology and water quality if it would:

- Violate any water quality standards or waste discharge requirements.
- Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted).
- Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.
- Result in increased erosion in its watershed.
- Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site.
- Substantially alter drainage patterns due to changes in runoff volumes and flow rates.
- Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy.
- Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.
- Result in an increase in pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash.
- Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board.
- Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants.
- Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit.
- Substantially alter ground water quality as specified in the NPDES permit.
- Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES Permit, General Plan, and City policy.
- Otherwise substantially degrade water quality.
- Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map.
- Place within a 100-year flood hazard area structures that would impede or redirect flood flows.
- Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam.
- Be subject to inundation by seiche, tsunami or mudflow.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY. Would the project:					
a. Violate any water quality standards or waste discharge requirements?		X			28,55,69
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X	25,27
c. Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X	25,28
d. Result in increased erosion in its watershed?		X			44,45
e. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X	25,28
f. Substantially alter drainage patterns due to changes in runoff volumes and flow rates?				X	25,28
g. Result in increased impervious surfaces and associated increased runoff as specified in the NPDES permit and the City's Post Construction Urban Runoff Management Policy?			X		25,28
h. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?				X	28
i. Result in an increase in any pollutant discharges to receiving waters such as heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash?			X		28,80
j. Result in an increase in any pollutant for which the water body is already impaired as listed on the Clean Water Act Section 303 (d) list available from the State Water Resources Control Board?				X	28,80

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
8. HYDROLOGY AND WATER QUALITY (Cont.). Would the project:					
k. Result in alteration of receiving water quality during or following construction including clarity, temperature, and level of pollutants?				X	28
l. Substantially alter surface water quality, or marine, fresh, or wetland waters as specified in the NPDES permit?				X	55
m. Substantially alter ground water quality as specified in the NPDES permit?				X	55
n. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses as specified in the NPDES permit, General Plan, and City policy?				X	28, 29,55,80
o. Otherwise substantially degrade water quality?				X	28
p. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X	27,53,54
q. Place within a 100-year flood hazard area structures that would impede or redirect flood flows?				X	27,53,54
r. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X	27,28
s. Be subject to inundation by seiche, tsunami or mudflow?				X	27

Impact Summary

Construction and post-construction related activities could result in significant water quality impacts.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Water Resources Policy No. 12

- For all new discretionary development permits for projects incorporating large paved areas or other hard surfaces (e.g., building roofs), or major expansion of a building or use, the City should require specific construction and post-construction measures to control the quantity and improve the water quality of urban runoff.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on pages 72-73 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Water Resources policies would reduce the hydrology and water quality impacts to a **less-than-significant impact with mitigation**.

9. LAND USE AND PLANNING

SETTING

General Plan

The current land use designation for the proposed amendment site on the San Jose 2020 General Plan is Industrial Park. The project is a General Plan Amendment request to Industrial Park with Mixed Industrial Overlay.

Special Areas – North San Jose (Rincon de Los Esteros Redevelopment Area)

The proposed amendment site is located within the North San Jose (Rincon de Los Esteros Redevelopment Area), which encompasses an area generally from the Guadalupe River on the west, State Route 237 on the north, State Route 880 on the east and to south of U.S. 101. One of the major goals of the Rincon de Los Esteros Redevelopment Plan is the strengthening of the economic base of the Plan area and the community generally by the provision of necessary assistance to stimulate new commercial, industrial and office expansion, with associated growth of employment. The purpose of the Plan is to direct development in a manner that is consistent with, and which best supports, the San Jose 2020 General Plan, as amended. The General Plan is incorporated into the Redevelopment Plan. The land uses within the Plan are those established by the General Plan, including amendments; therefore, the proposed amendment would conform to the Rincon de Los Esteros Redevelopment Plan.

Zoning

The proposed amendment site is currently zoned IP (Industrial Park).

Existing Use

The proposed amendment site is currently industrial; the former scrap metal facility has been closed and phased out. Previous uses of the site include an orchard. The proposed project is a land use presently existing in the surrounding neighborhood (within 500 feet of the site).

Surrounding Uses

Land uses surrounding (within 500 feet of) the proposed amendment site include: office to the north; industrial park/office and a golf course to the east; Coyote Creek and industrial park/office to the south; and office to the west.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on land use and planning if it would:

- Physically divide an established community.
- Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect.

- Conflict with any applicable habitat conservation plan or natural community conservation plan.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
9. LAND USE AND PLANNING. Would the project:					
a. Physically divide an established community?				X	25
b. Conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over the project (including, but not limited to, the general plan, specific plan, local coastal program or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X	29
c. Conflict with any applicable habitat conservation plan or natural community conservation plan?				X	25,28

Impact Summary

The project would have no impact on land use and planning.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on land use and planning would be a **less-than-significant impact**.

10. MINERAL RESOURCES

SETTING

The proposed amendment site does not contain a quarry; however, the site is mapped as having deeper sand and gravel deposits that are valuable for percolation.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on mineral resources if it would:

- Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.
- Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
10. MINERAL RESOURCES. Would the project:					
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?				X	27,29,59
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?				X	27,29,59

Impact Summary

The project would have no impact on mineral resources.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on mineral resources would be a **less-than-significant impact**.

11. NOISE

SETTING

Existing Noise Sources

Noise intrusion over the site originates primarily from vehicular traffic sources along Old Oakland Road, which carries an Average Daily Traffic (ADT) of approximately 27,500 adjacent to the site, as shown on the *City of San Jose and Surrounding Area Traffic Flow Map (1998)*. The City of San Jose General Plan establishes a policy of requiring noise mitigation from transportation noise for industrial land use where the exterior level exceeds 70 dB DNL and/or the interior level exceeds 45 dB DNL. Old Oakland Road is not designated as having noise level exceedances for industrial use on the *City of San Jose Year 2020 Noise Exposure Map for Major Transportation Noise Sources*.

ALUC Noise Zone

The proposed amendment site is not located within an Airport Land Use Commission (ALUC) Noise Zone (65 dB CNEL).

SIGNIFICANCE CRITERIA

The proposed project would have a significant noise impact if it would result in:

- Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.
- Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels.
- A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project.
- A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project.
- For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.
- For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE. Would the project result in:					
a. Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?		X			29,60

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
11. NOISE (Cont.). Would the project result in:					
b. Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?				X	25,27
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X	25,28
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?		X			25,28
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X	27,61
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X	27,61

Impact Summary

Interior noise levels in future structures would be impacted by railroad noise and project construction could result in temporary noise impacts.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

Noise Policy No. 1

- The City's acceptable noise level objectives are 55 DNL as the long-range exterior noise quality level, 60 DNL as the short-range exterior noise quality level, 45 DNL as the interior noise quality level, and 76 DNL as the maximum exterior noise level necessary to avoid significant adverse health effects. These objectives are established for the City, recognizing that the attainment of exterior noise quality levels in the environs of the San Jose International Airport, the Downtown Core Area, and along major roadways may not be achieved in the time frame of this Plan. To achieve the noise objectives, the City should require appropriate site and building design, building construction and noise attenuation techniques in new residential development.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

The mitigation measures listed on page 79 of the Environmental Clearance Application / Initial Study for the Markovits & Fox, Inc. Site Development Permit would be included in future development.

PROJECT CONCLUSION

The implementation of the General Plan Noise policies would reduce the noise impacts to a **less-than-significant impact with mitigation**.

12. POPULATION AND HOUSING

SETTING

The population of the City of San Jose is approximately 894,000. The proposed amendment site is located in Census Tract 5043.18, which has a population of approximately 4,312 (2000 Census). There are no housing units currently on the proposed amendment site.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on population and housing if it would:

- Induce substantial population growth in an area, either directly or indirectly.
- Displace numbers of existing housing, necessitating the construction of replacement housing elsewhere.
- Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
12. POPULATION AND HOUSING. Would the project:					
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	25,28
b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	25
c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	25

Impact Summary

The project would have no impact on population and housing.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on population and housing would be a **less-than-significant impact**.

13. PUBLIC SERVICES

SETTING

Schools

The proposed amendment site is in the Orchard School District (K-8) and the East Side Union High School District (9-12).

School	Address	Approx. Distance (miles)	Enrollment
Orchard Elementary (K-8)	711 E. Gish Road	0.5	750
Independence High	1776 Educational Park Drive	3.6	4,413

Orchard Elementary School is over capacity.

Parks

There are two developed City of San Jose parks, Townsend Park and North Coyote Park, as well as a Municipal Golf Course within walking distance (3/4 mile) of the proposed amendment site that can serve future project employees. Townsend Park is a 5-acre neighborhood park located on Townsend Park Circle that contains tennis courts, volleyball courts, open fields, picnic tables and barbecue pits. North Coyote Park is a 19-acre partially developed regional park located along Coyote Creek easterly of Old Oakland Road.

Fire Protection

The proposed amendment site is in the service area of the San Jose Fire Department. The fire stations responding to emergency calls, i.e., fires and emergency medical situations, within the proposed amendment site and their approximate response times are listed below. The total reflex time is the time from when the Department first receives the call to when the firemen reach their destination.

Station No.	Address	Approx. Distance (miles)	Projected Travel Time (minutes)	Travel Time Standard (minutes)	Projected Total Reflex Time (minutes)	Total Reflex Time Standard (minutes)
1st Engine: 5	1380 N. Tenth Street*	1.7	3.5	4.0	7.5	8.0
2nd Engine: 23	1771 Via Cinco de Mayo	2.9	5.7	6.0	9.7	10.0
1st Truck: 5	1380 N. Tenth Street*	1.7	3.5	6.0	7.5	10.0
Full Structural Assignment:						
3rd Engine: 8	802 E. Santa Clara Street	3.4	6.5	9.0	10.5	13.0
2nd Truck: 29	199 Innovation Drive	3.6	6.8	9.0	10.8	13.0

* Engine 5 meets its goal 72% of the time. Goal is 80% of all calls.

All of the response times are within the recommended limits. It should be noted that all times are estimates based on average conditions and can vary considerably due to weather, time of day, traffic patterns and other variables. These estimated response times only measure the arrival of the emergency response vehicle to the “curb”; they do not consider the set up time required before abatement of an incident can begin nor the time it takes the firefighters to reach any victims.

Police Protection

The proposed amendment site is within Beat No. R-2 of the San Jose Police Department's service area. The major felony crimes reported in Beat R-2 in terms of frequency during 1997 were grand theft, patrollable auto theft and residential burglary. The most commonly reported misdemeanors were car clout, malicious mischief, disturbing the peace and simple assault. Overall, Beat R-2 ranked 42nd among all 60 police beats in terms of number of crimes reported per 1,000 population, with a rank of 1 indicating the highest crime rate.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on public services if it would:

- Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection; Police protection; Schools; Parks; and Other Public Facilities.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
13. PUBLIC SERVICES. Would the project:					
a. Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: Fire protection?			X		10
Police protection?			X		65
Schools?			X		7,8
Parks?			X		9

Other public facilities?			X		28
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Impact Summary

The project would have no impact on public services.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on public services would be a **less-than-significant impact**.

14. RECREATION

SETTING

There are two developed City of San Jose parks, Townsend Park and North Coyote Park, as well as a Municipal Golf Course within walking distance (3/4 mile) of the proposed amendment site that can serve future project employees. Townsend Park is a 5-acre neighborhood park located on Townsend Park Circle that contains tennis courts, volleyball courts, open fields, picnic tables and barbecue pits. North Coyote Park is a 19-acre partially developed regional park located along Coyote Creek easterly of Old Oakland Road.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on recreation if it would:

- Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
14. RECREATION.					
a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?			X		9,62,63
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?				X	28

Impact Summary

The project would have no impact on recreation.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on recreation would be a **less-than-significant impact**.

15. TRANSPORTATION / TRAFFIC

SETTING

Street System

Access to the project site is provided by Old Oakland Road, which is a 4-lane arterial street that provides access to U.S. 101 via Brokaw Road to the north.

Public Transit

Public transit in the area is provided by the Santa Clara Valley Transportation Authority. Bus Route 66, which extends from the Santa Teresa Hospital in south San Jose, through downtown San Jose to Milpitas, operates along Old Oakland Road with stops at Old Oakland Road and Schallenberger Road. The proposed amendment site is not located within 2,000 feet of a light rail station.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on transportation / traffic if it would:

- Cause a City intersection operating at Level D or better to operate at Level E or F; or cause an increase in critical delay of 4.0 or more seconds and an increase in the critical V/C ratio of 0.010 or more at a City intersection that is projected to operate at Level E or F with existing plus approved projects.
- Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways.
- Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks.
- Substantially increase hazards due to a design feature or incompatible uses.
- Result in inadequate emergency access.
- Result in inadequate parking capacity.
- Conflict with adopted policies, plans or programs supporting alternative transportation.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC. Would the project:					
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio of roads, or congestion at intersections)?			X		68,71,80
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X	74,80

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
15. TRANSPORTATION/TRAFFIC (Cont.). Would the project:					
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X	27,28
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?				X	28,80
e. Result in inadequate emergency access?				X	28
f. Result in inadequate parking capacity?				X	28,80
g. Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?				X	29

Impact Summary

The project would have no impact on transportation / traffic.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on transportation / traffic would be a **less-than-significant impact**.

16. UTILITIES AND SERVICE SYSTEMS

SETTING

Sanitary Sewers

There are existing 6 and 15-inch City of San Jose sanitary sewer lines in Old Oakland Road. Extensions within future development would be required.

Wastewater Treatment

Wastewater treatment for the City of San Jose is provided by the San Jose-Santa Clara Water Pollution Control Plant (WPCP). Capacity is expected to be available to serve future development based on the current capacity of 167 million gallons per day (MGD). The Water Pollution Control Plant is currently processing an estimated 135 MGD of dry weather flow. At the same time, the WPCP is currently operating under a 120 MGD dry weather flow trigger. This requirement is based upon the State Water Resources Board and the Regional Water Quality Control Board (RWQCB) concerns over the effects of additional freshwater discharges on the saltwater marsh habitat, and pollutants loading to the South Bay from the WPCP. A Growth Management System regulates new development to assure that the capacity is not exceeded.

Water Supply

There are existing 8 and 12-inch San Jose Water Company water lines in Schallenberger Road and Old Oakland Road. Extensions within future development would be required.

Storm Drainage Facilities

There is an existing 18-inch City of San Jose storm drainage line in Old Oakland Road. Extensions within future development would be required.

Solid Waste / Recycling

There are several solid waste disposal service companies available for industrial purposes in San Jose. They are using the Newby Island sanitary landfill disposal site operated by International Disposal Company, and/or the Kirby Canyon disposal site operated by Waste Management of California, Inc. Newby Island has an estimated service life of 30 years. Kirby Canyon has an estimated service life of up to 50 years.

Gas and Electric Service

Natural gas and electric services for San Jose are provided by Pacific Gas and Electric Company. There are existing services in the area.

Telephone Service

Telephone service for the proposed amendment site is provided by SBC. There is existing service in the area.

SIGNIFICANCE CRITERIA

The proposed project would have a significant impact on utilities and service systems if it would:

- Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board.
- Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects.
- Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed.
- Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.
- Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.
- Comply with federal, state and local statutes and regulations related to solid waste.

IMPACT

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS. Would the project:					
a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?			X		14,69
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		28
c. Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X		12
d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X		28
e. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X		28

f. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X		28
ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT	SOURCES
16. UTILITIES AND SERVICE SYSTEMS (Cont.). Would the project:					
g. Comply with federal, state and local statutes and regulations related to solid waste?			X		28

Impact Summary

The project would have no impact on utilities and service systems.

MITIGATION MEASURES INCLUDED IN THE GENERAL PLAN

None required.

MITIGATION MEASURES INCLUDED IN FUTURE DEVELOPMENT

None required.

PROJECT CONCLUSION

The project's impact on utilities and service systems would be a **less-than-significant impact**.

17. MANDATORY FINDINGS OF SIGNIFICANCE

ISSUES	POTENTIALLY SIGNIFICANT IMPACT	POTENTIALLY SIGNIFICANT UNLESS MITIGATION INCORPORATED	LESS THAN SIGNIFICANT IMPACT	NO IMPACT
17. MANDATORY FINDINGS OF SIGNIFICANCE.				
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b. Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects.)			X	
c. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?		X		

ENVIRONMENTAL CLEARANCE APPLICATION

APPLICANT'S CERTIFICATION

APPLICANT	Markovits & Fox, Inc.
PROJECT TITLE	Markovits & Fox, Inc. Mixed Industrial Overlay GPA
PROJECT LOCATION	West side of Old Oakland Road, between Brokaw Road and Coyote Creek/Schallenberger Road

I hereby certify that the statements furnished about and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief.

If, to my knowledge, any of the facts represented here change, it is my responsibility to inform the City of San Jose.

Date

Applicant

APPENDIX

Authors and Consultants

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Although Mindigo & Associates have used their best efforts to prepare a complete and competent report, Mindigo & Associates shall not be liable for cost or damage to any project due to judicial or administrative action, whether or not such action is based on the form or content of this report or portion prepared by Mindigo & Associates. Any services of staff or subconsultants of Mindigo & Associates required by any party in any litigation on or related to this report shall be paid for by the party requesting such services at the current, standard consulting rates of Mindigo & Associates.

INSERT MINDIGO DISCLOSURE FORM HERE

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16. **Gas and Electrical Mapping Departments**, Pacific Gas and Electric Company
17. **Hwai Chen**, Architect, Kenneth Rodrigues & Partners, Inc.
18. **Dennis Ferrier**, Supervisor, Local Enforcement Agency Program, Code Enforcement Division, City of San Jose

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15. TRANSPORTATION/TRAFFIC

The proposed amendment involves keeping the underlying Industrial Park designation and applying the mixed Industrial Overlay. This provides the option of developing industrial park uses as well as big box retail or church uses that are typically not located in industrial areas. From a transportation standpoint, the long-term traffic model should reflect Industrial Park on the site because of the greater potential impact during the peak hour. The Industrial Park land use designation would generate more trips and more during the peak hour. The addition of the Mixed Industrial Overlay would not create a scenario worse than the existing conditions. Therefore, traffic analysis is not necessary.